

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2002-00992-SDM

Comment Period: August 12, 2004 through September 10, 2004

Applicant

New Tucson Homeowner's Associations
(Units 5, 7, 8, 9 & 10)
Jeff Utsch
1147 N Howard Boulevard
Tucson, Arizona 85716

AGENT

Greg Carlson Engineering, LLC
Ben Lomeli
1521 E Broadway Boulevard
Tucson, Arizona 85719
(520) 624-0070

Location

At the proposed New Tucson development in the unnamed washes, tributary to the Santa Cruz River, at (Sections 14 and 23, T17S, R15E), Pima County, Arizona. (Hydrologic Unit Code 15050301, Upper Santa Cruz)

Activity

To discharge dredged and/or fill material into approximately 12 acres of ephemeral waters of the U.S. for the construction of the 793-acre residential development known as New Tucson, which consists of 1,931 lots. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to sallie.mcguire@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2002-00992-SDM)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939**

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The entire project area was surveyed for cultural resources. The surveys did not identify any sites that were eligible or potentially eligible for listing on the National Register of Historic Places.

Endangered Species- The Corps has initiated formal consultation under Section 7 of the Endangered Species Act because the project may adversely affect two listed endangered species, the cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*) and the pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*).

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

To discharge dredged and/or fill material into approximately 12 acres (4.5 acres temporary impacts and 7.5 acres permanent impacts) of ephemeral waters of the U.S. for the construction of the 793-acre residential development known as New Tucson, which consists of 1,931 lots. The project area includes approximately 28 acres of ephemeral waters of the U.S. The project area consists of medium to low density trees, shrubs and cacti typically found in the Palo Verde-Cacti-Mixed Scrub Series of the Arizona Upland subdivision of the Sonoran Desert (palo verde, mesquite, ocotillo, barrel cactus, prickly pear, hedgehog and pincushion). The discharge of dredged and/or fill material is proposed in order to provide infrastructure and access to the previously platted subdivision. Utility lines will be constructed in the same alignment as road crossings in order to minimize impacts to the washes. Additional impacts are proposed to occur from permanent bank protection and lot grading.

Additional Project Information

The subject property is approximately 793 acres. The entire property is located on an alluvial fan, or bajada, of the Santa Rita Mountains. The 1,931 lots, roads and common areas of New Tucson were platted on July 10, 1964 without construction of utilities or roads. The site is presently undeveloped. Some street alignments have been graded into unpaved roads. Each of the lots is individually owned.

The applicant's project purpose is to provide infrastructure and access to the previously platted subdivision for the 1,931 lots. The basic project purpose is to develop the infrastructure and building sites for a residential development, which is not water-dependent.

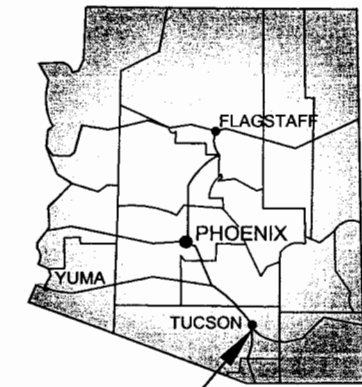
Proposed Special Conditions

To be developed.

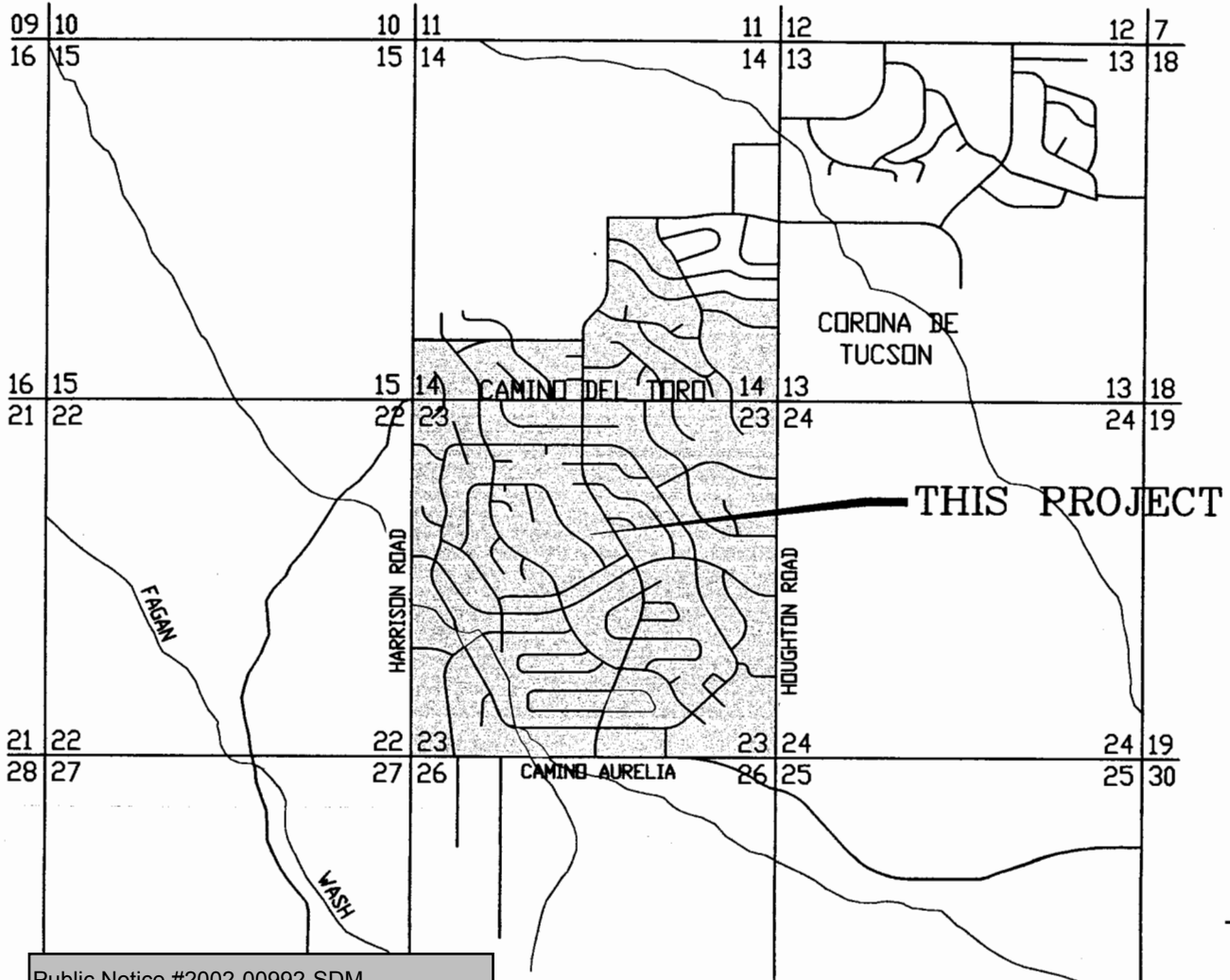
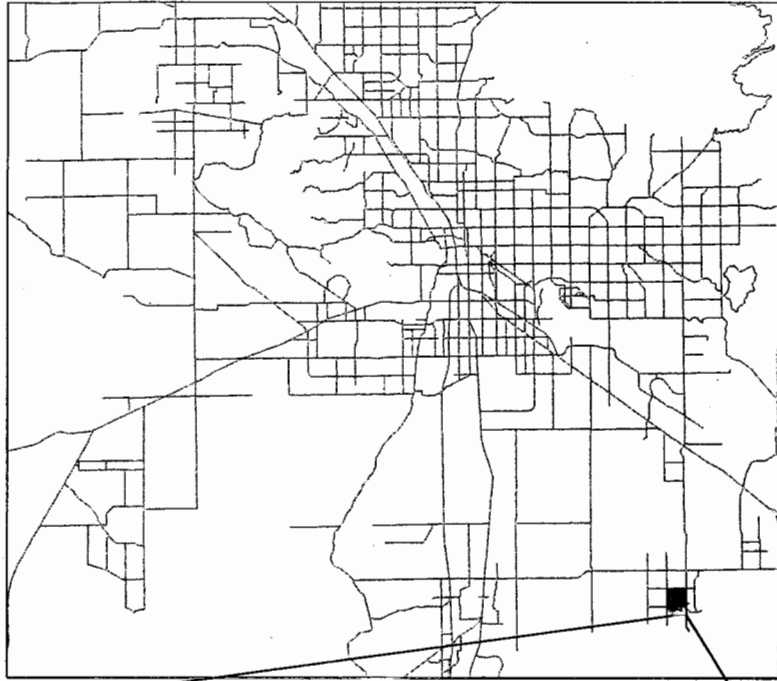
For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.

ARIZONA

TUCSON METROPOLITAN AREA

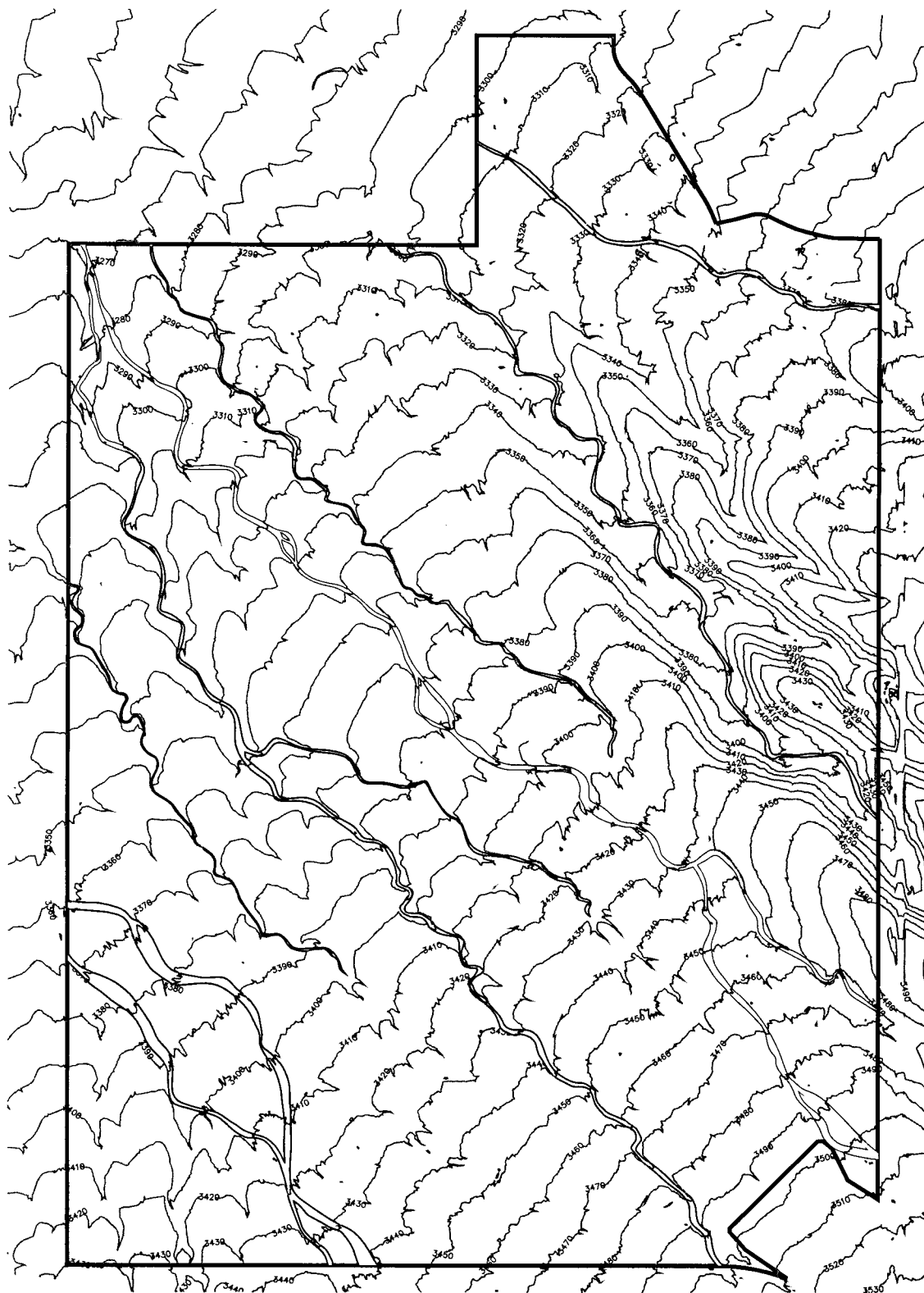


PROJECT
LOCATION





EXISTING CONDITIONS 404 JURISDICTIONAL WASHES MAP FOR NEW TUCSON UNITS 2,5,6,7,8,9 &10

LOCATED IN SECTION 23 AND A PORTION OF SECTION 14, T17S, R15E G&S.R.M., PIMA COUNTY, AZ.



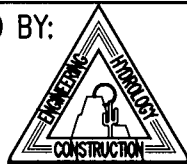
0 500' 1000'
SCALE: 1"=1000'

LEGEND

-  PROPERTY BOUNDARY
-  SECTION 404 JURISDICTIONAL LIMITS

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Figure 2 of 3

PREPARED BY:



GREG CARLSON ENGINEERING, L.L.C.

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DESIGNED BY: GRC

DRAFTED BY: JLF

CHECKED BY: GRC

FIGURE 2B:
EXISTING CONDITIONS 404
JURISDICTIONAL WASHES MAP
FOR
NEW TUCSON UNITS 2,5,6,7,8,9 &
10, LOCATED IN SECTION 23 AND
A PORTION OF SECTION 14
T17S, R15E G&S.R.M., PIMA
COUNTY AZ.

SCALES: HORIZ: 1"=1000'

JOB NO. 03-039





DATE: JULY, 2004

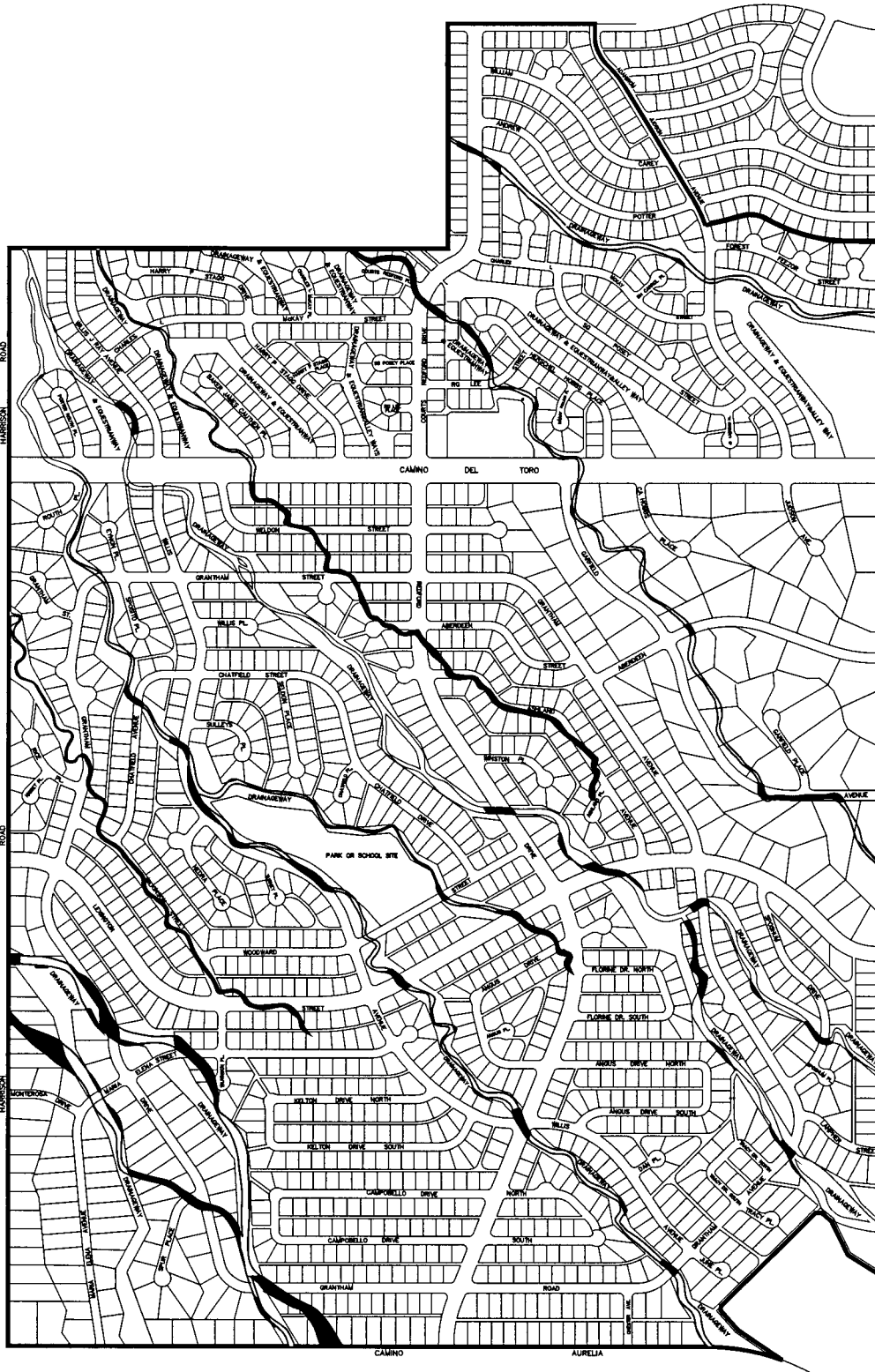
DEVELOPED CONDITIONS AND 404 IMPACTS MAP
FOR NEW TUCSON UNITS 2,5,6,7,8,9 & 10
LOCATED IN SECTION 23 AND A PORTION OF SECTION 14, T17S, R15E G&S.R.M., PIMA COUNTY, AZ.



0 500' 1000'
SCALE: 1"=1000'

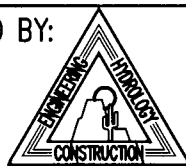
LEGEND

-  PROPERTY BOUNDARY
-  SECTION 404 JURISDICTIONAL LIMITS
-  SECTION 404 LOSS LIMITS
-  SECTION 404 DISTURBANCE LIMITS



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Figure 3 of 3

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FIGURE 5:
DEVELOPED CONDITIONS AND 404
IMPACTS MAP
FOR
NEW TUCSON UNITS 2,5,6,7,8,9 &
10, LOCATED IN SECTION 23 AND
A PORTION OF SECTION 14
T17S, R15E G&S.R.M., PIMA
COUNTY AZ.

SCALES: HORIZ: 1"=1000'

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